

### **REMARKS**

Claims 1-9 and 11-37 are pending. No claims have been allowed.

The Examiner rejected Claims 1-9 and 11-37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,352,307 to Engman ("Engman '307").

Independent Claim 1 calls for a chair including a base assembly, a seat supported by the base assembly, a pair of uprights connected to the base assembly and extending upwardly above the seat, each upright including a longitudinal axis, an armrest selectively positionable along each upright, and a backrest selectively positionable along the uprights, the armrests and the backrest movable coaxially along respective longitudinal axes of the uprights.

Referring to Fig. 1 of the present application, it may be seen that backrest 16 (*see* upper mount sleeves 74) and armrests 18 (*see* lower mount sleeves 74) are movable coaxially along (*i.e., along the same axis*) respective longitudinal axes of uprights 54.

By contrast, referring to Figs. 1 and 3 of Engman '307, it may be seen that while upper tubes 75 of backrest 3 are translatable with respect to lower tubes 73 of backrest 3, the tubes 93 of armrests 5 cannot move coaxially along tubes 73. Rather, tubes 93 of armrests 5 are *pivotally* mounted within holes 94 of tube portions 78 of backrest 3 such that "the armrest 5 can be adjusted in different angles". (col. 7, line 35). Thus, any movement of armrests 5 with respect to lower tubes 73 of backrest 3 is not coaxial movement with respect to the longitudinal axes of tubes 73.

Independent Claims 11 and 23 have been amended to call for a pair of uprights extending upwardly above the seat, and a pair of armrests each including a mount sleeve selectively slidable along a respective upright (Claim 11) and an armrest mounted for sliding movement along each upright (Claim 23).

As set forth above, and as may be seen from Figs. 1 and 3 of Engman '307, armrests 5 of the seat structure of Engman '307 are not slidable along lower tubes 73 of backrest 3. Rather, tubes 93 of armrests 5 are *pivotally* mounted within holes 94 of tube portions 78 of backrest 3.

Independent Claim 18 calls for means for selectively positioning armrests and a backrest along the uprights of the chair, and is patentable over Engman '307 for at least the reasons set forth above with respect to Claims 1, 11, and 23.

Application Serial No. 10/801,467  
Amendment dated January 23, 2006  
Reply to Office Action dated December 2, 2005

The Examiner rejected independent Claim 31 as being anticipated by Engman '307 without indicating how Engman '307 discloses a base assembly including a base having a plurality of legs with casters, and a height-adjustable pneumatic cylinder extending vertically from the base, as called for in independent Claim 31. In fact, Engman '307 fails to disclose, teach, or suggest these features but rather discloses a seat structure adapted to be mounted to a wheelchair. Therefore, independent Claim 31 cannot be anticipated by Engman '307.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.


In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

(THIS SPACE INTENTIONALLY LEFT BLANK)

Application Serial No. 10/801,467  
Amendment dated January 23, 2006  
Reply to Office Action dated December 2, 2005

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,

  
Adam F. Cox  
Registration No. 46,644

Attorney for Applicants

AFC/mt

BAKER & DANIELS, LLP  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc. Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: January 23, 2006

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

January 23, 2006

Date